



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4658

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

765 ILCS 615/35
765 ILCS 615/55 rep.

Amends the Condominium and Common Interest Community Ombudsperson Act.
Repeals a Section concerning registration requirements for associations.
Makes corresponding changes. Effective July 1, 2016.

LRB099 18521 HEP 42900 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Condominium and Common Interest Community
5 Ombudsperson Act is amended by changing Section 35 as follows:

6 (765 ILCS 615/35)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 (Section scheduled to be repealed on July 1, 2021)

10 Sec. 35. Written policy for resolving complaints.

11 (a) Each association, except for those outlined in Section
12 (b) of this Section, shall adopt a written policy for resolving
13 complaints made by unit owners. The association shall make the
14 policy available to all unit owners upon request. The policy
15 must include:

16 (1) a sample form on which a unit owner may make a
17 complaint to the association;

18 (2) a description of the process by which complaints
19 shall be delivered to the association;

20 (3) the association's timeline and manner of making
21 final determinations in response to a unit owner's
22 complaint; and

23 (4) a requirement that the final determination made by

1 the association in response to a unit owner's complaint be:

2 (i) made in writing;

3 (ii) made within a reasonable time after the unit
4 owner's original complaint; and

5 (iii) marked clearly and conspicuously as "final".

6 (b) Common interest community associations exempt from the
7 Common Interest Community Association Act are not required to
8 have a written policy for resolving complaints.

9 (c) No later than 180 days after the effective date of this
10 Act, associations existing on the effective date of this Act,
11 except for those identified in subsection (b) of this Section,
12 must establish and adopt the policy required under this
13 Section.

14 (d) Associations first created after the effective date of
15 this Act, except for those identified in subsection (b) of this
16 Section, must establish and adopt the policy required under
17 this Section ~~at the time of initial registration as required by~~
18 ~~Section 65 of this Act.~~

19 (e) A unit owner may not bring a request for assistance
20 under Section 40 of this Act for an association's lack of or
21 inadequacy of a written policy to resolve complaints, but may
22 notify the Department in writing of the association's lack of
23 or inadequacy of a written policy. ~~An association that fails to~~
24 ~~comply with this Section is subject to subsection (g) of~~
25 ~~Section 65 of this Act.~~

26 (Source: P.A. 98-1135, eff. 7-1-16.)

1 (765 ILCS 615/55 rep.)

2 Section 10. The Condominium and Common Interest Community
3 Ombudsperson Act is amended by repealing Section 55.

4 Section 99. Effective date. This Act takes effect July 1,
5 2016.